

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

BRANDON FOLEY,

Plaintiff,

vs.

CAVALRY SPV I, LLC, and
APOTHAKE SCIAN, P.C.,

Defendants.

Civil Action No.: 2:21-cv-217

(REMOVAL ACTION)

**NOTICE OF REMOVAL OF
CIVIL ACTION FROM STATE COURT**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Defendant, Cavalry SPV I, LLC (“Cavalry”), by and through its undersigned counsel, respectfully represents as follows:

1. On or about January 15, 2021, Plaintiff, Brandon Foley (hereinafter referred to as “Plaintiff”) filed a civil complaint against Cavalry and co-defendant Apothaker Scian, P.C. in the Court of Common Pleas of Allegheny County, Pennsylvania which was assigned the docket number GD-20-009030. *A true copy of the Docket Report is attached hereto as **Exhibit A**; A true copy of the Complaint is attached hereto as **Exhibit B**.*

2. As such, this notice is timely filed with this Court pursuant to 28 U.S.C. § 1446(b).

3. The Complaint seeks, inter alia, damages for injuries allegedly arising from violations of the federal Fair Debt Collection Practices Act (hereinafter referred to as the “FDCPA”) 15 U.S.C. § 1692 *et seq.* See **Exhibit B**.

4. The District Courts of the United States have original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1331, as it involves a federal question with regards to the alleged violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*

5. Pursuant to 28 U.S.C. § 1441(a), any such civil action brought in a State court may be removed, but only to the district court of the United States for the district and division embracing the place where such action is pending.

6. Therefore, Cavalry by this notice seeks removal to the United States District Court for the Western District of Pennsylvania, which embraces the location of the pending Complaint.

7. Furthermore, this Court will have pendent jurisdiction over any other state claims asserted or that may be asserted by the Plaintiff.

8. Cavalry has conferred with Apothaker Scian, P.C. who has consented to the removal of the action to Federal District court.

WHEREFORE, Defendant, Cavalry SPV I, LLC, respectfully requests that the above entitled action be removed from the Court of Common Pleas of Allegheny County, Pennsylvania.

Respectfully submitted,

MAURICE WUTSCHER, LLP

/s/ Shannon Miller

Shannon Miller

10 W. Front Street

Media, PA 19063

(215)789-7151

Attorneys for Defendant

Cavalry SPV I, LLC

Dated: February 15, 2021

CERTIFICATE OF SERVICE

I, SHANNON MILLER, ESQ., do hereby certify that I have caused a true and correct copy of Defendant's Notice of Removal to Federal Court to be served upon the following parties to the action:

Joshua Ward, Esq.
Kyle H. Steenland, Esq.
The Law Firm of Fenters Ward
201 South Highland Avenue
Suite 201
Pittsburg, PA 15026

Apothaker Scian, P.C.
520 Fellowship Road, Suite C306
Mt. Laurel, NJ 08054

BY: /s/ Shannon Miller
Shannon Miller, Esquire

Dated: February 15, 2021